

REMARKS

Applicant thanks the Examiner for the careful consideration given to this application.

Claims 1-3, 5-26 and 28-57 are pending in this application. Claims 1 and 24 are independent claims. Claims 1-3, 5-26 and 28-52 are amended (mostly to adjust wordings, with exceptions as noted below). Claims 53-57 are added. It is respectfully submitted that Claims 53-56 are supported at least by Fig. 16 and pages 21-22 of Applicant's specification. It is respectfully submitted that Claim 57 is supported at least by Fig. 18 and page 23 of Applicant's specification. Reconsideration and allowance of the present application are respectfully requested.

Claim Rejections under 35 U.S.C. §102

Claims 1, 2, 14, 15, 18, 21, 24, 36-38, 41 and 44-52 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,170,060 to Mott et al. (hereinafter "Mott"). This rejection is respectfully traversed.

Claims 1 and 24, from which all other claims depend, have been amended to recite, respectively, "wherein said computer is to obtain one or more executable files from said web server to allow said playback manager to select one or more media files for audition without affecting said continuous play program," and "permitting a user to access one or more digital media files using said user interface to audition the one or more digital media files without affecting the continuous play program." These amendments are supported by Applicant's specification at least in Fig. 17 and at pages 22-23. Applicant has reviewed Mott, and nowhere has Applicant been able to locate a teaching or suggestion of such a feature in Mott. It is respectfully submitted, for at least this reason, that the rejections under 35 U.S.C. § 102, based on Mott, should be withdrawn.

Applicants further note, regarding Claims 51 and 52, that local library 710, cited by the Office Action as corresponding to the claimed "library of digital media files," is associated not with the playback devices 212 of Mott, but rather with client system 814 of Mott (see Mott, e.g., at col. 16, lines 29 ff. and col. 17, lines 29 ff., as well as Figs. 8 and 10). Therefore, it is

respectfully submitted that Mott also fails to disclose libraries associated with playback control devices, as claimed in Claims 51 and 52, and for this additional reason, it is respectfully submitted that these claims are allowable over Mott.

Claim Rejections Under 35 U.S.C. § 103

Claims 5-13, 16, 17, 19, 20, 22, 23, 28-35, 39, 40, 42, 43 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mott in view of U.S. Patent No. 5,726,909 to Krikorian (hereinafter “Krikorian”). This rejection is respectfully traversed.

Claims 1 and 24, from which all other claims depend, have been amended, as discussed above. In addition to reviewing Mott, Applicant has reviewed Krikorian and has also not found any teaching or suggestion of the element associated with these amendments. Therefore, it is respectfully submitted that Krikorian fails to remedy the deficiencies of Mott and that, therefore, Claims 5-13, 16, 17, 19, 20, 22, 23, 28-35, 39, 40, 42, 43 and 46 are allowable over the combination of Mott and Krikorian.

Claims 3 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mott in view of U.S. Patent No. 6,587,127 to Leeke (hereinafter “Leeke”). This rejection is respectfully traversed.

Claims 1 and 24, from which all other claims depend, have been amended, as discussed above. In addition to reviewing Mott, Applicant has reviewed Leeke and has also not found any teaching or suggestion of the element associated with these amendments. Therefore, it is respectfully submitted that Leeke fails to remedy the deficiencies of Mott and that, therefore, Claims 3 and 26 are allowable over the combination of Mott and Leeke.

New Claims

As noted above, new Claims 53-56 have been added. These new claims address volume control, and it is respectfully submitted that none of the applied references teaches or suggests the elements of these claims. Therefore, Applicant respectfully submits that these claims are allowable over these references.

As also noted above, Claim 57 has been added. Claim 57 is directed to a continuous media playback system that includes the element that “said computer is provided with one or

more executable files from said web server to allow said playback manager to adapt said continuous play program with schedules corresponding to different days and sets of days within a year.” It is respectfully submitted that none of the cited references addresses such an element, and for at least this reason, Claim 57 is allowable over the cited references.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

Applicant believes no fee is due with this response other than any fees that may be indicated on a separate paper. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01055-US2 from which the undersigned is authorized to draw.

Dated: August 20, 2008

Respectfully submitted,

Electronic signature: /Jeffrey W. Gluck/
Jeffrey W. Gluck, Ph.D.
Registration No.: 44,457
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 572-0322 (Direct Dial)
(202) 293-6229 (Fax)
Attorney for Applicant